

AMENDED IN ASSEMBLY MAY 26, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2355

**Introduced by Assembly Member Negrete McLeod
(Coauthors: Assembly Members Chavez and Pavley)**

February 23, 2006

An act to ~~amend Section 21008 of~~ *add Section 20900.5 to the* Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2355, as amended, Negrete McLeod. Public employees' retirement: service credit: California State University academic employees.

The Public Employees' Retirement Law prescribes the rights and benefits of the members of the Public Employees' Retirement System and provides for the membership of academic employees of the California State University. The law provides that members of the system who are excused from their duties, and who are compensated during these times at amounts less than full compensation, receive reduced service credit for that period, as specified. The law permits these members, upon return and election, to receive full service credit for these periods if they make contributions *to the retirement fund* in an amount equal to the increase in employer liability, as specified, on the date of the request for costing of the service credit. *The law also permits specified members who are academic employees of the California State University to receive full service credit if both the member and his or her employer elect to contribute to the retirement fund an amount equivalent to what would have been contributed if the*

member had been employed full-time, not to exceed 5 years of part-time status.

This bill would permit a member who is an academic employee of the California State University who, on or after January 1, 2007, is granted a reduced pay leave, as specified, to receive full service credit for the times the member is excused from his or her duties, as described above, by making specified contributions based on the employer's formula at the rate age applicable to the member at the beginning of the member's first subsequent period of service, as specified, and not on the increase in employer liability if the member elects to contribute to the retirement fund the amount that would have been contributed by the member if the member was not on a reduced pay leave. The bill would require the employer, if the member elects to make his or her contributions, to contribute the amount that would have been contributed by the employer if the member was not on a reduced pay leave. The bill would further require California State University personnel to verify the eligibility of a reduced pay leave applicant for this benefit and to keep specified records in this regard.

*Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.*

The people of the State of California do enact as follows:

1 *SECTION 1. Section 20900.5 is added to the Government*
2 *Code, to read:*
3 *20900.5. (a) Notwithstanding any other provision of this*
4 *part, a member described in subdivision (b) who is granted a*
5 *reduced pay leave, and for which he or she receives*
6 *compensation, but in an amount less than the full compensation*
7 *earnable by him or her while performing his or her duties while*
8 *not so excused, shall be credited with service based upon the*
9 *compensation that he or she would have received prior to the*
10 *granting of the reduced pay leave, if the member elects to*
11 *contribute to the retirement fund the amount that would have*
12 *been contributed by the member if the member was not on a*
13 *reduced pay leave. If the member elects to contribute, the*
14 *employer shall contribute the amount that would have been*
15 *contributed by the employer if the member was not on a reduced*
16 *pay leave.*

1 (b) *This section shall apply only to a member who is an*
2 *academic employee of the California State University who, on or*
3 *after January 1, 2007, is granted a reduced pay leave for a*
4 *purpose that provides a benefit to the California State University,*
5 *including, but not limited to, research, scholarly activity,*
6 *creativity activity, instructional improvement, or faculty*
7 *retraining.*

8 (c) *Prior to the granting of a reduced pay leave, the California*
9 *State University campus personnel responsible for the*
10 *administration of this section, in conjunction with the*
11 *administrative staff of the office of the Chancellor of the*
12 *California State University, shall verify the eligibility of the*
13 *applicant. The employer shall maintain the records necessary to*
14 *separately identify each member receiving service credit*
15 *pursuant to this section.*

16 ~~SECTION 1. Section 21008 of the Government Code is~~
17 ~~amended to read:~~

18 ~~21008. (a) Time during which a member is excused from~~
19 ~~performance of his or her duties, whether or not he or she is~~
20 ~~required to perform any portion of those duties during that time,~~
21 ~~and for which he or she receives compensation, but in an amount~~
22 ~~less than the full compensation earnable by him or her while~~
23 ~~performing his or her duties when not so excused, such as~~
24 ~~sabbatical leave, shall be credited as service in the proportion that~~
25 ~~the compensation paid to the member bears to the full~~
26 ~~compensation that would be earnable by him or her while~~
27 ~~performing his or her duties on a full-time basis.~~

28 ~~(b) Except as provided in subdivision (c), the member shall~~
29 ~~receive full-time credit for the time described in subdivision (a) if~~
30 ~~after returning to the employment from which he or she was~~
31 ~~excused and at any time prior to retirement he or she elects to,~~
32 ~~and does, make the contributions as specified in Sections 21050~~
33 ~~and 21052. However, any eligible member who requests costing~~
34 ~~of service credit between January 1, 2001, and December 31,~~
35 ~~2003, may, instead of making those contributions, make the~~
36 ~~payment calculated under this article as it read on December 31,~~
37 ~~2000, which payment shall be made in the manner described in~~
38 ~~Section 21050.~~

39 ~~(c) A member who is an academic employee of the California~~
40 ~~State University shall receive full-time credit for the time~~

- 1 ~~described in subdivision (a) if after returning to the employment~~
- 2 ~~from which he or she was excused, and at any time prior to~~
- 3 ~~retirement he or she elects to, and does, make the contributions as~~
- 4 ~~specified in Sections 21050 and 21051.~~